

House File 694

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 643)
(SUCCESSOR TO HSB 161)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including by establishing
2 a judicial district and judicial election district
3 redistricting process, making changes to the nomination,
4 appointment, and retention of judges, expanding magistrate
5 courts, eliminating the position of alternate district
6 associate judge, permitting district judgeships to be
7 apportioned or transferred to another judicial district,
8 requiring the county sheriff to serve a summons in certain
9 delinquency proceedings, eliminating the participation of the
10 foster care review board in voluntary foster care placements,
11 waiving the filing fee and court costs in certain contempt
12 actions, changing the duties of and the procedures related to
13 the clerk of the district court, providing that interest on a
14 judgment be calculated upon the one year treasury constant
15 maturity plus two percent, expanding the access of the
16 deferred judgment docket, prohibiting regional litigation
17 centers, modifying the schedule of the probate court,
18 providing for a fee, and providing for a study.
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
20 TLSB 1209HZ 80
21 jm/sh/8

PAG LIN

1 1 Section 1. Section 46.12, unnumbered paragraph 1, Code
1 2 2003, is amended to read as follows:
1 3 When a vacancy occurs or will occur within one hundred
1 4 twenty days in the supreme court, the court of appeals, or
1 5 district court, the state commissioner of elections shall
1 6 forthwith so notify the chairperson of the proper judicial
1 7 nominating commission, unless the chief justice has ordered
1 8 the state commissioner of elections to delay sending the
1 9 notification. The chief justice may order the delay for up to
1 10 one hundred eighty days for budgetary reasons. The
1 11 chairperson shall call a meeting of the commission within ten
1 12 days after such notice; if the chairperson fails to do so, the
1 13 chief justice shall call such meeting.
1 14 Sec. 2. Section 46.14, Code 2003, is amended to read as
1 15 follows:
1 16 46.14 NOMINATION.
1 17 1. Each judicial nominating commission shall carefully
1 18 consider the individuals available for judge, and within sixty
1 19 days after receiving notice of a vacancy shall certify to the
1 20 governor and the chief justice the proper number of nominees,
1 21 in alphabetical order. Such nominees shall be chosen by the
1 22 affirmative vote of a majority of the full statutory number of
1 23 commissioners upon the basis of their qualifications and
1 24 without regard to political affiliation. Nominees shall be
1 25 members of the bar of Iowa, shall be residents of the state or
1 26 district of the court to which they are nominated, and shall
1 27 be of such age that they will be able to serve an initial and
1 28 one regular term of office to which they are nominated before
1 29 reaching the age of seventy-two years. Nominees for district
1 30 judge shall file a certified application form, to be provided
1 31 by the supreme court, with the chairperson of the district
1 32 judicial nominating commission. ~~No person shall be eligible~~
~~1 33 for nomination by a commission as judge during the term for~~
~~1 34 which the person was elected or appointed to that commission.~~
1 35 Absence of a commissioner or vacancy upon the commission shall
2 1 not invalidate a nomination. The chairperson of the
2 2 commission shall promptly certify the names of the nominees,
2 3 in alphabetical order, to the governor and the chief justice.
2 4 2. A commissioner shall not be eligible for nomination by
2 5 the commission during the term for which the commissioner was

2 6 elected or appointed to that commission. A commissioner shall
2 7 not be eligible to vote for the nomination of a family member,
2 8 current law partner, or current business partner. For
2 9 purposes of this subsection, "family member" means a spouse,
2 10 son, daughter, brother, sister, uncle, aunt, first cousin,
2 11 nephew, niece, father-in-law, mother-in-law, son-in-law,
2 12 daughter-in-law, brother-in-law, sister-in-law, father,
2 13 mother, stepfather, stepmother, stepson, stepdaughter,
2 14 stepbrother, stepsister, half brother, or half sister.

2 15 Sec. 3. Section 46.16, subsections 2 and 3, Code 2003, are
2 16 amended to read as follows:

2 17 2. Subject to removal for cause, the initial term of
2 18 office of a district associate judge shall be for one year
2 19 after appointment and until January 1 following the next
2 20 judicial election after expiration of such year, and the
2 21 regular term of office of a district associate judge retained
2 22 at a judicial election shall be ~~four~~ six years from the
2 23 expiration of the initial or previous regular term, as the
2 24 case may be.

2 25 3. Subject to removal for cause, the initial term of
2 26 office of a full-time associate juvenile judge or a full-time
2 27 associate probate judge shall be for one year after
2 28 appointment and until January 1 following the next judicial
2 29 election after expiration of such year, and the regular term
2 30 of office of a full-time associate juvenile judge or a full-
2 31 time associate probate judge retained at a judicial election
2 32 shall be ~~four~~ six years from the expiration of the initial or
2 33 previous regular term, as the case may be.

2 34 Sec. 4. Section 232.35, subsection 1, Code 2003, is
2 35 amended to read as follows:

3 1 1. A formal judicial proceeding to determine whether a
3 2 child has committed a delinquent act shall be initiated by the
3 3 filing by the county attorney of a petition alleging that a
3 4 child has committed a delinquent act. After a petition has
3 5 been filed, service of a summons requiring the child to appear
3 6 before the court or service of a notice shall be made as
3 7 provided in section 232.37.

3 8 Sec. 5. Section 232.37, subsection 4, Code 2003, is
3 9 amended to read as follows:

3 10 4. Service of summons or notice shall be made personally
3 11 ~~by the sheriff by the delivery of~~ delivering a copy of the
3 12 summons or notice to the person being served. If the court
3 13 determines that personal service of a summons or notice is
3 14 impracticable, the court may order service by certified mail
3 15 addressed to the last known address. Service of summons or
3 16 notice shall be made not less than five days before the time
3 17 fixed for hearing. Service of summons, notice, subpoenas or
3 18 other process, after an initial valid summons or notice, shall
3 19 be made in accordance with the rules of the court governing
3 20 such service in civil actions.

3 21 Sec. 6. Section 232.183, subsection 7, Code 2003, is
3 22 amended by striking the subsection.

3 23 Sec. 7. Section 236.3, unnumbered paragraph 2, Code 2003,
3 24 is amended to read as follows:

3 25 The filing fee and court costs for an order for protection
3 26 and in a contempt action under this chapter shall be waived
3 27 for the plaintiff. The clerk of court, the sheriff of any
3 28 county in this state, and other law enforcement and
3 29 corrections officers shall perform their duties relating to
3 30 service of process without charge to the plaintiff. When an
3 31 order for protection is entered by the court, the court may
3 32 direct the defendant to pay to the clerk of court the fees for
3 33 the filing of the petition and reasonable costs of service of
3 34 process if the court determines the defendant has the ability
3 35 to pay the plaintiff's fees and costs.

4 1 Sec. 8. Section 237.20, unnumbered paragraph 1, Code 2003,
4 2 is amended to read as follows:

4 3 A local board shall, except in delinquency cases, do the
4 4 following:

4 5 Sec. 9. Section 255.1, unnumbered paragraph 1, Code 2003,
4 6 is amended to read as follows:

4 7 Any adult resident of the state may file a complaint in the
4 8 office of the ~~clerk of any juvenile court,~~ county general
4 9 assistance director charging that any legal resident of Iowa
4 10 residing in the county where the complaint is filed is
4 11 pregnant or is suffering from some malady or deformity that
4 12 can probably be improved or cured or advantageously treated by
4 13 medical or surgical treatment or hospital care, and that
4 14 neither such person nor persons legally chargeable with the
4 15 person's support are able to pay therefor.

4 16 Sec. 10. Section 255.4, Code 2003, is amended to read as

4 17 follows:

4 18 255.4 EXAMINATION BY PHYSICIAN.

4 19 Upon the filing of such complaint, the ~~clerk shall number~~
4 20 ~~and index the same and county general assistance director~~
4 21 shall appoint a competent physician and surgeon, living in the
4 22 vicinity of the patient, who shall personally examine the
4 23 patient with respect to ~~said the~~ pregnancy, malady, or
4 24 deformity. The ~~clerk director~~ may, after the expiration of
4 25 five years from the filing of a complaint, destroy ~~it the~~
4 26 ~~complaint~~ and all papers or records in connection ~~therewith~~
4 27 ~~with the complaint.~~

4 28 Sec. 11. Section 255.5, Code 2003, is amended to read as
4 29 follows:

4 30 255.5 REPORT BY PHYSICIAN.

4 31 Such physician shall make a report in duplicate on blanks
4 32 furnished as ~~hereinafter~~ provided in this chapter, answering
4 33 the questions contained ~~therein in the blanks~~ and setting
4 34 forth the information required ~~thereby~~, giving such history of
4 35 the case as will be likely to aid the medical or surgical
5 1 treatment or hospital care of such patient, describing the
5 2 pregnancy, deformity, or malady in detail, and stating whether
5 3 or not in the physician's opinion the ~~same pregnancy,~~
5 4 ~~deformity, or malady~~ can probably be improved or cured or
5 5 advantageously treated, which report shall be filed in the
5 6 office of the ~~clerk within such time as the clerk may fix~~
5 7 ~~county general assistance director.~~

5 8 Sec. 12. Section 255.6, Code 2003, is amended to read as
5 9 follows:

5 10 255.6 INVESTIGATION AND REPORT.

5 11 When a complaint is filed, ~~the clerk of juvenile court in~~
5 12 ~~the office of the county general assistance director, the~~
5 13 ~~director~~ shall furnish the county attorney and board of
5 14 supervisors with a copy and the board shall, by the general
5 15 assistance director or other agent it selects, make a thorough
5 16 investigation of facts as to the legal residence of the
5 17 patient, and the ability of the patient or others chargeable
5 18 with the patient's support to pay the expense of treatment and
5 19 care; and shall file a report of the investigation ~~in the~~
5 20 ~~office of the clerk, with the board~~ at or before the time of
5 21 hearing.

5 22 Sec. 13. Section 255.7, Code 2003, is amended to read as
5 23 follows:

5 24 255.7 NOTICE OF HEARING == DUTY OF COUNTY ATTORNEY.

5 25 When the physician's report has been filed, the ~~clerk~~
5 26 ~~county general assistance director~~ shall, ~~with the consent of~~
5 27 ~~the court or judge, fix set~~ a time and place for hearing ~~of on~~
5 28 ~~the matter by the court,~~ and the county attorney shall cause
5 29 such patient and the parent or parents, guardian, or person
5 30 having the legal custody of said patient, if under legal
5 31 disability, to be served with such notice of the time and
5 32 place of the hearing as the ~~judge or clerk director~~ may
5 33 prescribe.

5 34 Sec. 14. Section 255.8, Code 2003, is amended to read as
5 35 follows:

6 1 255.8 ~~HEARING -- ORDER -- EMERGENCY CASES -- CANCELLATION~~
6 2 ~~OF COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.~~

6 3 The county attorney and the general assistance director, or
6 4 other agent of the board of supervisors of the county, shall
6 5 appear at the hearing. The complainant, the county attorney,
6 6 the general assistance director or other agent of the board of
6 7 supervisors, and the patient, or any person representing the
6 8 patient, may introduce evidence and be heard. If the court
6 9 board of supervisors finds that the patient is a legal
6 10 resident of Iowa and is pregnant or is suffering from a malady
6 11 or deformity which can probably be improved or cured or
6 12 advantageously treated by medical or surgical treatment or
6 13 hospital care, and that neither the patient nor any person
6 14 legally chargeable with the patient's support is able to pay
6 15 the expenses, ~~then the clerk of court county general~~
6 16 ~~assistance director,~~ except in obstetrical cases and
6 17 orthopedic cases, shall immediately ascertain from the
6 18 admitting physician at the university hospital whether the
6 19 person can be received as a patient within a period of thirty
6 20 days, and if the patient can be received, the ~~court, or in the~~
6 21 ~~event of no actual contest, the clerk of the court, board~~
6 22 shall ~~enter an order directing direct~~ that the patient be sent
6 23 to the university hospital for proper medical and surgical
6 24 treatment and hospital care. If the ~~court ascertain board~~
6 25 ~~ascertains,~~ except in obstetrical cases and orthopedic cases,
6 26 that a person of the age or sex of the patient, or afflicted
6 27 by the complaint, disease, or deformity with which the person

6 28 is afflicted, cannot be received as a patient at the
6 29 university hospital within the period of thirty days, ~~then the~~
6 30 ~~court or the clerk shall enter an order directing~~ the board of
6 31 supervisors of shall direct the county to provide adequate
6 32 treatment at county expense for the patient at home or in a
6 33 hospital. Obstetrical cases and orthopedic cases may be
6 34 committed to the university hospital without regard to the
6 35 limiting period of thirty days.

7 1 In any case of emergency the ~~court or the clerk board of~~
7 2 ~~supervisors~~ without previous inquiry may at its discretion
7 3 order the patient to be immediately taken to and accepted by
7 4 the university hospital for the necessary care as provided in
7 5 section 255.11, but if such a patient cannot be immediately
7 6 accepted at the university hospital as ascertained by
7 7 telephone if necessary, ~~the court or the clerk may enter an~~
7 8 ~~order as in certain cases above set forth directing~~ the board
7 9 of supervisors shall direct the county to provide adequate
7 10 treatment at county expense for the ~~said~~ patient at home or in
7 11 a hospital.

7 12 Sec. 15. Section 255.10, Code 2003, is amended to read as
7 13 follows:

7 14 255.10 RELIGIOUS BELIEF == DENIAL OF ORDER.

7 15 The ~~court board of supervisors~~ in its discretion may refuse
7 16 to make such order in any case where the ~~court board~~ finds the
7 17 patient or the patient's parent, parents, or guardian are
7 18 members of a religious denomination whose tenets preclude
7 19 dependence on the practice of medicine or surgery and desire
7 20 in good faith to rely upon the practice of their religion for
7 21 relief from disease or disorder.

7 22 Sec. 16. Section 255.11, Code 2003, is amended to read as
7 23 follows:

7 24 255.11 ORDER IN CASE OF EMERGENCY.

7 25 In cases of great emergency, when the ~~court or judge board~~
7 26 ~~of supervisors~~ is satisfied that delay would be seriously
7 27 injurious to the patient, the ~~court or judge board of~~
7 28 ~~supervisors~~ may make such order with the consent of the
7 29 patient, if an adult, or of the parent or parents, guardian,
7 30 or person having the legal custody of ~~said the~~ patient, if a
7 31 minor or incompetent, without examination, report, notice, or
7 32 hearing.

7 33 Sec. 17. Section 255.12, Code 2003, is amended to read as
7 34 follows:

7 35 255.12 CERTIFIED COPY OF ORDER.

8 1 The ~~clerk~~ county general assistance director shall prepare
8 2 a certified copy of ~~said such~~ order, which, together with a
8 3 copy of the physician's report, shall be delivered to the
8 4 admitting physician of ~~said such~~ hospital at or before the
8 5 time of the reception of the patient into the hospital.

8 6 Sec. 18. Section 255.13, Code 2003, is amended to read as
8 7 follows:

8 8 255.13 ATTENDANT == PHYSICIAN == COMPENSATION.

8 9 If the physician appointed to examine the patient ~~shall~~
8 10 ~~certify~~ certifies that an attendant to accompany the patient
8 11 to the ~~said~~ hospital is necessary, and the university hospital
8 12 attendant and ambulance service is not available, ~~then the~~
8 13 ~~court or judge or clerk of the court the county general~~
8 14 ~~assistance director~~ may appoint an attendant who shall receive
8 15 not exceeding two dollars per day for the time thus
8 16 necessarily employed and actual necessary traveling expenses
8 17 by the most feasible route to ~~said the~~ hospital whether by
8 18 ambulance, train, or automobile; but if such appointee is a
8 19 relative of the patient or a member of the patient's immediate
8 20 family, or receives a salary or other compensation from the
8 21 public for the appointee's services, no such per diem
8 22 compensation shall be paid. The physician appointed ~~by the~~
8 23 ~~court or clerk~~ to make the examination and report shall
8 24 receive ~~therefor~~ three dollars for each examination and report
8 25 so made and the physician's actual necessary expenses incurred
8 26 in making such examination, but if ~~said the~~ physician receives
8 27 a salary or other compensation from the public for the
8 28 physician's full-time services, ~~then~~ no such examination fee
8 29 shall be paid. The actual, necessary expenses of transporting
8 30 and caring for the patient shall be paid as hereinafter
8 31 provided in this chapter.

8 32 Sec. 19. Section 255.14, Code 2003, is amended to read as
8 33 follows:

8 34 255.14 PAYMENT OF EXPENSES == ~~HOW PAID~~.

8 35 An itemized, verified statement of all charges provided for
9 1 in sections 255.8 and 255.13, in cases where the patient is
9 2 admitted or accepted for treatment at the university hospital
9 3 shall be filed with the superintendent of the university

9 4 hospital, and upon the superintendent's recommendation when
9 5 approved by the ~~judge or clerk of the court under whose order~~
~~9 6 the same were incurred board of supervisors, they the charges~~
9 7 shall be ~~charged~~ included on the regular bill for the
9 8 maintenance, transportation and treatment of the patient, and
9 9 be audited and paid in the manner as ~~hereinafter~~ provided in
9 10 this chapter.

9 11 Sec. 20. Section 255.21, Code 2003, is amended to read as
9 12 follows:

9 13 255.21 TREATMENT OUTSIDE HOSPITAL == ATTENDANT.

9 14 If, in the judgment of the physician or surgeon to whom the
9 15 patient has been assigned for treatment, continuous residence
9 16 of the patient in the hospital is unnecessary, such patient
9 17 may, by the hospital authorities, be sent to the patient's
9 18 home or other appropriate place, and be required to return to
9 19 the hospital when and for such length of time as may be for
9 20 the patient's benefit. The hospital authorities may, if
9 21 necessary, appoint an attendant to accompany such patient and
9 22 discharged patients, and the compensation of such attendant
9 23 shall be fixed by the state board of regents and charged by
9 24 the hospital as part of the costs of transporting patients.
9 25 The compensation paid to and the expenses of the attendant
9 26 shall be audited and paid in the same manner as is provided by
9 27 law for the compensation of an attendant appointed by the
9 28 ~~court board of supervisors~~.

9 29 Sec. 21. Section 255.22, Code 2003, is amended to read as
9 30 follows:

9 31 255.22 TREATMENT AUTHORIZED.

9 32 ~~No~~ A minor or incompetent person shall not be treated for
9 33 any malady or deformity except such as is reasonably well
9 34 described in the order of ~~court~~ or the report of the examining
9 35 physician, unless permission for such treatment is provided
10 1 for in the order of ~~court~~, or is granted by the person's
10 2 parents or guardian; but the physician in charge may
10 3 administer such treatment or perform such surgical operations
10 4 as are usually required in cases of emergency.

10 5 Sec. 22. Section 255.27, Code 2003, is amended to read as
10 6 follows:

10 7 255.27 FACULTY TO PREPARE BLANKS == PRINTING.

10 8 The medical faculty of the state university hospital shall
10 9 from time to time prepare blanks containing questions and
10 10 requiring information that it finds necessary and proper to be
10 11 obtained by the physician who examines a patient under order
10 12 of ~~court~~ the board of supervisors. The blanks shall be
10 13 printed by the state, and a sufficient supply shall be
10 14 furnished by the state printing administrator to the ~~clerk of~~
~~10 15 each juvenile court in the state county general assistance~~
10 16 director. The cost of printing the blanks shall be audited,
10 17 allowed, and paid in the same manner as other bills for public
10 18 printing.

10 19 Sec. 23. Section 321.20B, subsection 4, paragraph b,
10 20 subparagraph (1), unnumbered paragraph 1, Code 2003, is
10 21 amended to read as follows:

10 22 An owner or driver who produces to the clerk of court,
~~10 23 within thirty days of the issuance of the citation under~~
~~10 24 paragraph "a", or prior to the date of the individual's court~~
10 25 appearance as indicated on the citation, ~~whichever is earlier,~~
10 26 proof that financial liability coverage was in effect for the
10 27 motor vehicle at the time the person was stopped and cited,
10 28 or, if the driver is not the owner of the motor vehicle, proof
10 29 that liability coverage was in effect for the driver with
10 30 respect to the motor vehicle being driven at the time the
10 31 driver was stopped and cited, in the same manner as if the
10 32 motor vehicle were owned by the driver, shall be given a
10 33 receipt indicating that such proof was provided and be subject
10 34 to one of the following:

10 35 Sec. 24. Section 321.20B, subsection 4, paragraph c, Code
11 1 2003, is amended to read as follows:

11 2 c. An owner or driver cited for a violation of subsection
11 3 1, who produces to the clerk of court ~~within thirty days of~~
~~11 4 the issuance of the citation prior to the date of the~~
11 5 individual's court appearance as indicated on the citation
11 6 proof that financial liability coverage was in effect for the
11 7 motor vehicle at the time the person was stopped and cited,
11 8 shall not be convicted of such violation and the citation
11 9 issued shall be dismissed.

11 10 Sec. 25. Section 321.20B, subsection 5, paragraph b, Code
11 11 2003, is amended to read as follows:

11 12 b. Issue a citation. An owner or driver who produces to
11 13 the clerk of court ~~within thirty days of the issuance of the~~
~~11 14 citation, or prior to the date of the individual's court~~

11 15 appearance as indicated on the citation, ~~whichever is earlier,~~
11 16 proof that the financial liability coverage was in effect for
11 17 the motor vehicle at the time the person was stopped and
11 18 cited, or if the driver is not the owner of the motor vehicle,
11 19 proof that liability coverage was in effect for the driver
11 20 with respect to the motor vehicle being driven at the time the
11 21 driver was stopped and cited in the same manner as if the
11 22 motor vehicle were owned by the driver, shall be given a
11 23 receipt indicating that proof was provided, and the citation
11 24 issued shall be dismissed.

11 25 Sec. 26. Section 321.484, unnumbered paragraph 2, Code
11 26 2003, is amended to read as follows:

11 27 The owner of a vehicle shall not be held responsible for a
11 28 violation of a provision regulating the stopping, standing, or
11 29 parking of a vehicle, whether the provision is contained in
11 30 this chapter, or chapter 321L, or an ordinance or other
11 31 regulation or rule, if the owner establishes that at the time
11 32 of the violation the vehicle was in the custody of an
11 33 identified person other than the owner pursuant to a lease as
11 34 defined in chapter 321F or pursuant to a rental agreement as
11 35 defined in section 516D.3. The furnishing to the ~~clerk of the~~
12 1 ~~district court county attorney~~ where the charge is pending of
12 2 a copy of the lease prescribed by section 321F.6 or rental
12 3 agreement that was in effect for the vehicle at the time of
12 4 the alleged violation shall be prima facie evidence that the
12 5 vehicle was in the custody of an identified person other than
12 6 the owner within the meaning of this paragraph, ~~and the charge~~
12 7 ~~against the owner shall be dismissed. The clerk of the~~
12 8 ~~district court then shall cause a uniform citation and~~
12 9 ~~complaint to be issued against the lessee or renter of the~~
12 10 ~~vehicle, and the citation shall be served upon the defendant~~
12 11 ~~by ordinary mail directed to the defendant at the address~~
12 12 ~~shown in the lease or rental agreement.~~

12 13 Sec. 27. Section 331.653, Code 2003, is amended by adding
12 14 the following new subsection:

12 15 NEW SUBSECTION. 23A. Carry out duties related to service
12 16 of a summons, notice, or subpoena pursuant to sections 232.35,
12 17 232.37, and 232.88.

12 18 Sec. 28. Section 598.21, Code 2003, is amended by adding
12 19 the following new subsection:

12 20 NEW SUBSECTION. 10A. If the court modifies an order, and
12 21 the original decree was entered in another county in Iowa, the
12 22 clerk of court shall send a copy of the modification by
12 23 regular mail, electronic transmission, or facsimile to the
12 24 clerk of court for the county where the original decree was
12 25 entered.

12 26 Sec. 29. Section 602.1215, subsection 1, Code 2003, is
12 27 amended to read as follows:

12 28 1. The Subject to the provisions of section 602.1209,
12 29 subsection 3, the district judges of each judicial election
12 30 district shall by majority vote appoint persons to serve as
12 31 clerks of the district court, one for each county within the
12 32 judicial election district. The district judges of a judicial
12 33 election district may appoint a person to serve as clerk of
12 34 the district court for more than one but not more than four
12 35 contiguous counties in the same judicial district. A person

13 1 does not qualify for appointment to the office of clerk of the
13 2 district court unless the person is at the time of application
13 3 a resident of the state. Within three months of appointment
13 4 the clerk of the district court must establish residence and
13 5 physically reside in the county. A clerk of the district
13 6 court may be removed from office for cause by a majority vote
13 7 of the district judges of the judicial election district.
13 8 Before removal, the clerk of the district court shall be
13 9 notified of the cause for removal.

13 10 Sec. 30. Section 602.1501, subsection 4, Code 2003, is
13 11 amended to read as follows:

13 12 4. District associate judges shall receive the salary set
13 13 by the general assembly. ~~However, an alternate district~~
13 14 ~~associate judge whose appointment is authorized under section~~
13 15 ~~602.6303 shall receive a salary for each day of actual duty~~
13 16 ~~equal to a district associate judge's daily salary.~~

13 17 Sec. 31. Section 602.1604, Code 2003, is amended to read
13 18 as follows:

13 19 602.1604 JUDGES SHALL NOT PRACTICE LAW.

13 20 While holding office, a supreme court justice, court of
13 21 appeals judge, district judge, or district associate judge
13 22 shall not practice as an attorney or counselor or give advice
13 23 in relation to any action pending or about to be brought in
13 24 any of the courts of the state. ~~A person whose appointment as~~
13 25 ~~an alternate district associate judge is authorized under~~

~~13 26 section 602.6303 may practice law except when actually serving~~
~~13 27 as a district associate judge.~~

13 28 Sec. 32. Section 602.1611, subsection 2, Code 2003, is
13 29 amended by striking the subsection.

13 30 Sec. 33. Section 602.6105, subsection 3, Code 2003, is
13 31 amended to read as follows:

13 32 3. a. The chief judge of a judicial district shall
13 33 designate times and places for magistrates to hold court to
13 34 ensure accessibility of magistrates at all times throughout
13 35 the district. The schedule of times and places of
14 1 availability of magistrates and any schedule changes shall be
14 2 disseminated by the chief judge to the peace officers within
14 3 the district.

14 4 b. The chief judge of a judicial district shall schedule a
14 5 magistrate to hold court in a city other than the county seat
14 6 if all of the following apply:

14 7 (1) Magistrate court was regularly scheduled in the city
14 8 on or after July 1, 2001.

14 9 (2) The population of the city is at least two times
14 10 greater than the population of the county seat or the
14 11 population of the city is at least thirty thousand.

14 12 (3) The city requests the chief judge to schedule
14 13 magistrate court.

14 14 In addition to paying the costs in section 602.1303,
14 15 subsection 1, the city requesting the magistrate court shall
14 16 pay any other costs for holding magistrate court in the city
14 17 which would not otherwise have been incurred by the judicial
14 18 branch.

14 19 Sec. 34. Section 602.6107, Code 2003, is amended by
14 20 striking the section and inserting in lieu thereof the
14 21 following:

14 22 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL
14 23 ELECTION DISTRICTS.

14 24 1. The supreme court shall, beginning January 1, 2012, and
14 25 at least every ten years thereafter, review the division of
14 26 the state into judicial districts and judicial election
14 27 districts in order to determine whether the composition or the
14 28 total number of the judicial districts and judicial election
14 29 districts is the most efficient and effective administration
14 30 of the district court and the judicial branch.

14 31 2. If the supreme court determines that the administration
14 32 of the district court and the judicial branch would be made
14 33 more efficient and effective by reorganizing the judicial
14 34 districts and judicial election districts, which may include
14 35 expanding or contracting the total number of judicial
15 1 districts and judicial election districts, the supreme court
15 2 shall develop and submit to the general assembly by November
15 3 15 a plan that reorganizes the judicial districts and judicial
15 4 election districts. The legislative service bureau shall
15 5 draft a bill embodying the plan for submission by the supreme
15 6 court to the general assembly. The general assembly shall
15 7 bring the bill to a vote in either the senate or the house of
15 8 representatives within thirty days of the bill's submission by
15 9 the supreme court to the general assembly, under a procedure
15 10 or rule permitting no amendments by either house except those
15 11 of a purely corrective nature. If both houses pass the bill,
15 12 the bill shall be presented as any other bill to the governor
15 13 for approval. The bill shall take effect upon the general
15 14 assembly passing legislation, which is approved by the
15 15 governor including an effective date for the reorganization of
15 16 the judicial districts and judicial election districts.

15 17 3. The composition of the judicial districts in section
15 18 602.6107, Code 2003, and judicial election districts in
15 19 section 602.6109, Code 2003, shall remain in effect until a
15 20 new division of the state into judicial districts and judicial
15 21 election districts is enacted.

15 22 4. It is the intent of the general assembly that the
15 23 supreme court prior to developing a plan pursuant to this
15 24 section consult with and receive input from members of the
15 25 general public, court employees, judges, members of the
15 26 general assembly, the judicial departments of correctional
15 27 services, county officers, officials from other interested
15 28 political subdivisions, and attorneys. In submitting a plan
15 29 pursuant to this section, the supreme court shall also submit
15 30 to the general assembly a report stating the reasons for
15 31 developing the plan and describing in detail the process used
15 32 in developing the plan.

15 33 5. Nothing in this section or other provision of the Code
15 34 shall be construed to preclude the general assembly or the
15 35 judicial branch from proposing or considering a plan
16 1 reorganizing the judicial districts and judicial election

16 2 districts at any time.

16 3 Sec. 35. Section 602.6109, Code 2003, is amended by

16 4 striking the section and inserting in lieu thereof the

16 5 following:

16 6 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPs.

16 7 1. The reorganized judicial election districts established

16 8 pursuant to section 602.6107 shall be used solely for purposes

16 9 of nomination, appointment, and retention of judges of the

16 10 district court.

16 11 2. If the judicial election districts are reorganized

16 12 under section 602.6107, the state court administrator shall

16 13 reapportion the number of judgeships to which each judicial

16 14 election district is entitled. The reapportionment shall be

16 15 determined according to section 602.6201, subsection 3.

16 16 Sec. 36. Section 602.6111, Code 2003, is amended by

16 17 striking the section and inserting in lieu thereof the

16 18 following:

16 19 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

16 20 1. Any party, other than the state or a political

16 21 subdivision of the state, filing a petition or complaint,

16 22 answer, appearance, first motion, or any document filed with

16 23 the clerk of the district court which brings a new party into

16 24 a proceeding shall provide the clerk of the district court

16 25 with the following information when applicable:

16 26 a. An employer identification number if a number has been

16 27 assigned.

16 28 b. The birth date of the party.

16 29 c. The social security number of the party.

16 30 2. Any party, except the child support recovery unit,

16 31 filing a petition, complaint, answer, appearance, first

16 32 motion, or any document with the clerk of the district court

16 33 to establish or modify an order for child support under

16 34 chapter 236, 252A, 252K, 598, or 600B shall provide the clerk

16 35 of the district court with the date of birth and social

17 1 security number of the child.

17 2 3. A party shall provide the information pursuant to this

17 3 section in the manner required by rules or directives

17 4 prescribed by the supreme court. The clerk of the district

17 5 court shall keep a social security number provided pursuant to

17 6 this section confidential in accordance with the rules and

17 7 directives prescribed by the supreme court.

17 8 Sec. 37. NEW SECTION. 602.6112 REGIONAL LITIGATION

17 9 CENTERS == PROHIBITION.

17 10 The judicial branch shall not establish regional litigation

17 11 centers.

17 12 Sec. 38. Section 602.6201, subsection 8, Code 2003, is

17 13 amended to read as follows:

17 14 8. ~~Vacancies shall not be filled in a judicial election~~

~~17 15 district which becomes entitled to fewer judgeships under~~

~~17 16 subsection 3, but an~~ An incumbent district judge shall not be

17 17 removed from office because of a reduction in the number of

17 18 authorized judgeships.

17 19 Sec. 39. Section 602.6201, Code 2003, is amended by adding

17 20 the following new subsections:

17 21 NEW SUBSECTION. 11. Notwithstanding any other provision

17 22 of the Code to the contrary, if a vacancy in a judgeship

17 23 occurs, and the chief justice of the supreme court makes a

17 24 finding that a substantial disparity exists in the allocation

17 25 of judgeships and judicial workload between judicial election

17 26 districts, the chief justice may apportion the judgeship from

17 27 the judicial election district where the vacancy occurs to

17 28 another judicial election district based upon the substantial

17 29 disparity finding. However, a judgeship shall not be

17 30 apportioned pursuant to this section unless a majority of the

17 31 judicial council approves the apportionment.

17 32 NEW SUBSECTION. 12. Notwithstanding any other provision

17 33 of the Code to the contrary, if the chief justice of the

17 34 supreme court determines a substantial disparity exists in the

17 35 allocation of judgeships and judicial workload between

18 1 judicial election districts, the chief justice may authorize a

18 2 voluntary permanent transfer of a district judge from one

18 3 judicial election district to another upon approval by a

18 4 majority of the judicial council. After approval by the

18 5 judicial council, the chief justice shall notify all eligible

18 6 district judges of the intent to seek applicants for a

18 7 voluntary permanent transfer and the terms of such a transfer.

18 8 A district judge is not eligible for a voluntary transfer

18 9 unless the judge has served a regular term of office as

18 10 specified in section 46.16. Upon approval of the judge's

18 11 application, the chief justice may transfer a district judge

18 12 who consents to the transfer within six months of the

18 13 notification. The transfer of a district judge shall take
18 14 effect within sixty days of the official announcement of the
18 15 transfer by the chief justice. A district judge transferred
18 16 pursuant to this subsection shall have six months from the
18 17 date of the announcement of the transfer to establish
18 18 residency in the judicial election district where the district
18 19 judge is transferred. A district judge who has been
18 20 transferred shall stand for retention in the judicial election
18 21 district to which the district judge has been transferred as
18 22 provided in chapter 46. For purposes of subsection 3, the
18 23 judgeship shall be apportioned to the judicial election
18 24 district where the judge is transferred. A voluntary transfer
18 25 pursuant to this subsection shall not cause a vacancy of a
18 26 judgeship in the judicial election district from which the
18 27 district judge was transferred.

18 28 Sec. 40. Section 602.6301, Code 2003, is amended to read
18 29 as follows:

18 30 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
18 31 JUDGES.

18 32 There shall be one district associate judge in counties
18 33 having a population of more than thirty-five thousand and less
18 34 than eighty thousand; two in counties having a population of
18 35 eighty thousand or more and less than one hundred twenty-five
19 1 thousand; three in counties having a population of one hundred
19 2 twenty-five thousand or more and less than two hundred
19 3 thousand; four in counties having a population of two hundred
19 4 thousand or more and less than two hundred thirty-five
19 5 thousand; five in counties having a population of two hundred
19 6 thirty-five thousand or more and less than two hundred seventy
19 7 thousand; six in counties having a population of two hundred
19 8 seventy thousand or more and less than three hundred five
19 9 thousand; and seven in counties having a population of three
19 10 hundred five thousand or more. However, a county shall not
19 11 lose a district associate judgeship solely because of a
19 12 reduction in the county's population. If the formula provided
19 13 in this section results in the allocation of an additional
19 14 district associate judgeship to a county, implementation of
19 15 the allocation shall be subject to prior approval of the
19 16 supreme court and availability of funds to the judicial
19 17 branch. A district associate judge appointed pursuant to
19 18 section 602.6302 ~~or 602.6303~~ shall not be counted for purposes
19 19 of this section.

19 20 Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code
19 21 2003, are amended to read as follows:

19 22 1. The district associate judges authorized by sections
19 23 602.6301, ~~and 602.6302, and 602.6303~~ shall be appointed by the
19 24 district judges of the judicial election district from persons
19 25 nominated by the county magistrate appointing commission. In
19 26 the case of a district associate judge to be appointed to more
19 27 than one county, the appointment shall be from persons
19 28 nominated by the county magistrate appointing commissions
19 29 acting jointly and in the case of a district associate judge
19 30 to be appointed to more than one judicial election district of
19 31 the same judicial district, the appointment shall be by a
19 32 majority of the district judges in each judicial election
19 33 district.

19 34 2. In November of any year in which an impending vacancy
19 35 is created because a district associate judge is not retained
20 1 in office pursuant to a judicial election, the county
20 2 magistrate appointing commission shall publicize notice of the
20 3 vacancy in at least two publications in the official county
20 4 newspaper. The commission shall accept applications for
20 5 consideration for nomination as district associate judge for a
20 6 minimum of fifteen days prior to certifying nominations. The
20 7 commission shall consider the applications and shall, by
20 8 majority vote, certify to the chief judge of the judicial
20 9 district not later than December 15 of that year the names of
20 10 three applicants who are nominated by the commission for the
20 11 vacancy, unless the chief justice has ordered the commission
20 12 to delay the certification of the nominees to the chief judge.

20 13 The chief justice may order the delay of the certification for
20 14 up to one hundred eighty days for budgetary reasons. If there
20 15 are three or fewer applicants the commission shall certify all
20 16 applicants who meet the statutory qualifications. Nominees
20 17 shall be chosen solely on the basis of the qualifications of
20 18 the applicants, and political affiliation shall not be
20 19 considered.

20 20 3. Within thirty days after a county magistrate appointing
20 21 commission receives notification of an actual or impending
20 22 vacancy in the office of district associate judge, other than
20 23 a vacancy referred to in subsection 2, the commission shall

20 24 certify to the chief judge of the judicial district the names
20 25 of three applicants who are nominated by the commission for
20 26 the vacancy, unless the chief justice has ordered the
20 27 commission to delay the certification of the nominees to the
20 28 chief judge. The chief justice may order the delay of the
20 29 certification for up to one hundred eighty days for budgetary
20 30 reasons. The commission shall publicize notice of the vacancy
20 31 in at least two publications in the official county newspaper.
20 32 The commission shall accept applications for consideration for
20 33 nomination as district associate judge for a minimum of
20 34 fifteen days prior to certifying nominations. The commission
20 35 shall consider the applications and shall, by majority vote,
21 1 certify to the chief judge of the judicial district the names
21 2 of three applicants who are nominated by the commission for
21 3 the vacancy. If there are three or fewer applicants the
21 4 commission shall certify all applicants who meet the statutory
21 5 qualifications. Nominees shall be chosen solely on the basis
21 6 of the qualifications of the applicants, and political
21 7 affiliation shall not be considered. As used in this
21 8 subsection, a vacancy is created by the death, retirement,
21 9 resignation, or removal of a district associate judge, or by
21 10 an increase in the number of positions authorized.
21 11 Sec. 42. Section 602.6305, subsection 1, Code 2003, is
21 12 amended to read as follows:
21 13 1. District associate judges shall serve initial terms and
21 14 shall stand for retention in office within the judicial
21 15 election districts of their residences at the judicial
21 16 election in 1982 and every ~~four~~ six years thereafter, under
21 17 sections 46.17 to 46.24.
21 18 Sec. 43. Section 602.6403, subsection 3, Code 2003, is
21 19 amended to read as follows:
21 20 3. Within thirty days following receipt of notification of
21 21 a vacancy in the office of magistrate, the commission shall
21 22 appoint a person to the office to serve the remainder of the
21 23 unexpired term, unless the chief justice has ordered the
21 24 commission to delay the appointment for up to one hundred
21 25 eighty days for budgetary reasons. For purposes of this
21 26 section, vacancy means a death, resignation, retirement, or
21 27 removal of a magistrate, or an increase in the number of
21 28 positions authorized.
21 29 Sec. 44. Section 602.7103B, subsections 2 and 3, Code
21 30 2003, are amended to read as follows:
21 31 2. In November of any year in which an impending vacancy
21 32 is created because a full-time associate juvenile judge is not
21 33 retained in office pursuant to a judicial election, the county
21 34 magistrate appointing commission shall publicize notice of the
21 35 vacancy in at least two publications in the official county
22 1 newspaper. The commission shall accept applications for
22 2 consideration for nomination as full-time associate juvenile
22 3 judge for a minimum of fifteen days prior to certifying
22 4 nominations. The commission shall consider the applications
22 5 and shall, by majority vote, certify to the chief judge of the
22 6 judicial district not later than December 15 of that year the
22 7 names of three applicants who are nominated by the commission
22 8 for the vacancy, unless the chief justice has ordered the
22 9 commission to delay the certification of the nominees to the
22 10 chief judge. The chief justice may order the delay of the
22 11 certification for up to one hundred eighty days for budgetary
22 12 reasons. If there are three or fewer applicants, the
22 13 commission shall certify all applicants who meet the statutory
22 14 qualifications. Nominees shall be chosen solely on the basis
22 15 of the qualifications of the applicants, and political
22 16 affiliation shall not be considered.
22 17 3. Within thirty days after a county magistrate appointing
22 18 commission receives notification of an actual or impending
22 19 vacancy in the office of full-time associate juvenile judge,
22 20 other than a vacancy referred to in subsection 2, the
22 21 commission shall certify to the chief judge of the judicial
22 22 district the names of three applicants who are nominated by
22 23 the commission for the vacancy, unless the chief justice has
22 24 ordered the commission to delay the certification of the
22 25 nominees to the chief judge. The chief justice may order the
22 26 delay of the certification for up to one hundred eighty days
22 27 for budgetary reasons. The commission shall publicize notice
22 28 of the vacancy in at least two publications in the official
22 29 county newspaper. The commission shall accept applications
22 30 for consideration for nomination as full-time associate
22 31 juvenile judge for a minimum of fifteen days prior to
22 32 certifying nominations. The commission shall consider the
22 33 applications and shall, by majority vote, certify to the chief
22 34 judge of the judicial district the names of three applicants

22 35 who are nominated by the commission for the vacancy. If there
23 1 are three or fewer applicants, the commission shall certify
23 2 all applicants who meet the statutory qualifications.
23 3 Nominees shall be chosen solely on the basis of the
23 4 qualifications of the applicants, and political affiliation
23 5 shall not be considered. As used in this subsection, a
23 6 vacancy is created by the death, retirement, resignation, or
23 7 removal of a full-time associate juvenile judge, or by an
23 8 increase in the number of positions authorized.
23 9 Sec. 45. Section 602.8102, subsection 9, Code 2003, is
23 10 amended to read as follows:
23 11 9. Enter in the appearance docket a memorandum of the date
23 12 of filing of all petitions, demurrers, answers, motions, or
23 13 papers of any other description in the cause. A pleading of
23 14 any description is considered filed when the clerk entered the
23 15 date the pleading was received on the pleading and the
23 16 pleading shall not be taken from the clerk's office until the
23 17 memorandum is made. The memorandum shall be made ~~before the~~
~~23 18 end of the next working day within two business days of a new~~
~~23 19 petition or order being filed, and as soon as practicable for~~
~~23 20 all other pleadings.~~ Thereafter, when a demurrer or motion is
23 21 sustained or overruled, a pleading is made or amended, or the
23 22 trial of the cause, rendition of the verdict, entry of
23 23 judgment, issuance of execution, or any other act is done in
23 24 the progress of the cause, a similar memorandum shall be made
23 25 of the action, including the date of action and the number of
23 26 the book and page of the record where the entry is made. The
23 27 appearance docket is an index of each suit from its
23 28 commencement to its conclusion.
23 29 Sec. 46. Section 602.8102, subsection 11, Code 2003, is
23 30 amended to read as follows:
23 31 11. Refund amounts less than ~~one dollar~~ three dollars only
23 32 upon written application.
23 33 Sec. 47. Section 602.8106, subsection 1, paragraphs b, c,
23 34 d, and e, Code 2003, are amended to read as follows:
23 35 b. For filing and docketing of a complaint or information
24 1 for a simple misdemeanor and a complaint or information for a
24 2 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~
24 3 seventeen dollars.
24 4 c. For filing and docketing a complaint or information or
24 5 uniform citation and complaint for parking violations under
24 6 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~
~~24 7 dollar eight dollars~~, effective January 1, ~~1991~~ 2004. The
24 8 court costs in cases of parking meter and overtime parking
24 9 violations which are denied, and charged and collected
24 10 pursuant to section 321.236, subsection 1, or pursuant to a
24 11 uniform citation and complaint, are eight dollars per
24 12 information or complaint or per uniform citation and complaint
24 13 effective January 1, 1991.
24 14 d. The court costs in scheduled violation cases where a
24 15 court appearance is required ~~are twenty-five, seventeen~~
24 16 dollars.
24 17 e. For court costs in scheduled violation cases where a
24 18 court appearance is not required, ~~fifteen~~ seventeen dollars.
24 19 Sec. 48. Section 624.20, Code 2003, is amended to read as
24 20 follows:
24 21 624.20 SATISFACTION OF JUDGMENT.
24 22 Where a judgment is set aside or satisfied by execution or
24 23 otherwise, the clerk shall at once enter a memorandum thereof
24 24 on the column left for that purpose in the judgment docket.
24 25 However, the clerk may enter satisfaction of judgment if the
24 26 amount of the judgment that is unsatisfied is ~~one dollar three~~
~~24 27 dollars~~ or less.
24 28 Sec. 49. Section 631.5, subsection 6, Code 2003, is
24 29 amended to read as follows:
24 30 6. DEFAULT. If a defendant fails to appear and the clerk
24 31 in accordance with subsection 4 determines that proper notice
24 32 has been given, judgment shall be rendered against the
24 33 defendant by the clerk if the relief is readily ascertainable.
24 34 If the relief is not readily ascertainable the claim shall be
24 35 assigned to a judicial magistrate for determination ~~and the~~
~~25 1 clerk shall immediately notify the plaintiff or the~~
~~25 2 plaintiff's attorney and the judicial magistrate of such~~
~~25 3 assignment by ordinary mail.~~
25 4 Sec. 50. Section 631.6, subsection 1, paragraph c, Code
25 5 2003, is amended to read as follows:
25 6 c. Postage charged for the mailing of original notice
25 7 shall be ~~the actual costs of the postage~~ eight dollars.
25 8 Sec. 51. Section 633.20B, subsections 2 and 3, Code 2003,
25 9 are amended to read as follows:
25 10 2. In November of any year in which an impending vacancy

25 11 is created because a full-time associate probate judge is not
25 12 retained in office pursuant to a judicial election, the county
25 13 magistrate appointing commission shall publicize notice of the
25 14 vacancy in at least two publications in the official county
25 15 newspaper. The commission shall accept applications for
25 16 consideration for nomination as full-time associate probate
25 17 judge for a minimum of fifteen days prior to certifying
25 18 nominations. The commission shall consider the applications
25 19 and shall, by majority vote, certify to the chief judge of the
25 20 judicial district not later than December 15 of that year the
25 21 names of three applicants who are nominated by the commission
25 22 for the vacancy, unless the chief justice has ordered the
25 23 commission to delay the certification of the nominees to the
25 24 chief judge. The chief justice may order the delay of the
25 25 certification for up to one hundred eighty days for budgetary
25 26 reasons. If there are three or fewer applicants, the
25 27 commission shall certify all applicants who meet the statutory
25 28 qualifications. Nominees shall be chosen solely on the basis
25 29 of the qualifications of the applicants, and political
25 30 affiliation shall not be considered.

25 31 3. Within thirty days after a county magistrate appointing
25 32 commission receives notification of an actual or impending
25 33 vacancy in the office of full-time associate probate judge,
25 34 other than a vacancy referred to in subsection 2, the
25 35 commission shall certify to the chief judge of the judicial
26 1 district the names of three applicants who are nominated by
26 2 the commission for the vacancy, unless the chief justice has
26 3 ordered the commission to delay the certification of the
26 4 nominees to the chief judge. The chief justice may order the
26 5 delay of the certification for up to one hundred eighty days
26 6 for budgetary reasons. The commission shall publicize notice
26 7 of the vacancy in at least two publications in the official
26 8 county newspaper. The commission shall accept applications
26 9 for consideration for nomination as full-time associate
26 10 probate judge for a minimum of fifteen days prior to
26 11 certifying nominations. The commission shall consider the
26 12 applications and shall, by majority vote, certify to the chief
26 13 judge of the judicial district the names of three applicants
26 14 who are nominated by the commission for the vacancy. If there
26 15 are three or fewer applicants, the commission shall certify
26 16 all applicants who meet the statutory qualifications.
26 17 Nominees shall be chosen solely on the basis of the
26 18 qualifications of the applicants, and political affiliation
26 19 shall not be considered. As used in this subsection, a
26 20 vacancy is created by the death, retirement, resignation, or
26 21 removal of a full-time associate probate judge, or by an
26 22 increase in the number of positions authorized.

26 23 Sec. 52. Section 633.47, Code 2003, is amended to read as
26 24 follows:
26 25 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.
26 26 Proof of service of any notice, required by this Code or by
26 27 order of court, including those by publication, shall be filed
26 28 with the clerk. The costs of serving any notice given by the
26 29 fiduciary shall ~~be taxed by the clerk as part of the costs of~~
26 30 ~~administration in said~~ be paid directly by the estate.

26 31 Sec. 53. Section 633.301, Code 2003, is amended to read as
26 32 follows:
26 33 633.301 COPY OF WILL FOR EXECUTOR.
26 34 When a will has been admitted to probate and certified
26 35 pursuant to section 633.300, the clerk shall cause ~~an~~
27 1 ~~authenticated a certified~~ copy thereof to be placed in the
27 2 hands of the executor to whom letters are issued. The clerk
27 3 shall retain the will in a separate file provided for that
27 4 purpose until the time for contest has expired, and promptly
27 5 thereafter shall place it with the files of the estate.

27 6 Sec. 54. Section 633.479, unnumbered paragraph 2, Code
27 7 2003, is amended to read as follows:
27 8 An order approving the final report and discharging the
27 9 personal representative shall not be required if all
27 10 distributees otherwise entitled to notice are adults, under no
27 11 legal disability, have signed waivers of notice as provided in
27 12 section 633.478, have signed statements of consent agreeing
27 13 that the prayer of the final report shall constitute an order
27 14 approving the final report and discharging the personal
27 15 representative, and if the statements of consent are dated not
27 16 more than thirty days prior to the date of the final report,
27 17 and if compliance with sections 422.27 and 450.58 have been
27 18 fulfilled and receipts and certificates are on file. In those
27 19 instances final order shall not be required and the prayer of
27 20 the final report shall be considered as granted and shall have
27 21 the same force and effect as an order of discharge of the

27 22 personal representative and an order approving the final
27 23 report. ~~The clerk shall comply with section 633.480 with~~
~~27 24 respect to issuing a change of title.~~
27 25 Sec. 55. Section 633.480, Code 2003, is amended to read as
27 26 follows:
27 27 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
27 28 WITH ADMINISTRATION.
27 29 After discharge as provided in section 633.479, ~~the clerk~~
~~27 30 shall certify under chapter 558 relative to each parcel of~~
~~27 31 real estate the personal representative shall deliver to the~~
~~27 32 county recorder of the county in which the real estate is~~
~~27 33 situated a certificate pertaining to each parcel of real~~
~~27 34 estate~~ described in the final report of the personal
27 35 representative which has not been sold by the personal
28 1 representative, ~~and deliver the certificate to the county~~
~~28 2 recorder of the county in which the real estate is situated.~~
28 3 The certificate shall include the name and complete mailing
28 4 address, as shown on the final report, of the individual or
28 5 entity in whose name each parcel of real estate is to be
28 6 taxed. The county recorder shall deliver the certificate to
28 7 the county auditor as provided in section 558.58.
28 8 Sec. 56. Section 633.481, Code 2003, is amended to read as
28 9 follows:
28 10 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
28 11 WITHOUT ADMINISTRATION.
28 12 When an inventory or report is filed under section 450.22,
28 13 without administration of the estate of the decedent, the
28 14 ~~clerk heir or heir's attorney~~ shall ~~issue~~ prepare and deliver
28 15 to the county recorder of the county in which the real estate
28 16 is situated a certificate pertaining to each parcel of real
28 17 estate described in the inventory or report. Any fees for
28 18 certificates or recording fees required by this section or
28 19 section 633.480 shall be assessed as costs of administration.
28 20 The fee for recording and indexing the instrument shall be as
28 21 provided in section 331.604. The county recorder shall
28 22 deliver the certificates to the county auditor as provided in
28 23 section 558.58.
28 24 Sec. 57. Section 635.7, Code 2003, is amended to read as
28 25 follows:
28 26 635.7 REPORT AND INVENTORY == EXCESS VALUE AND
28 27 TERMINATION.
28 28 The executor or administrator is required to file the
28 29 report and inventory for which provision is made in section
28 30 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
28 31 executor or administrator from complying with the requirements
28 32 of section 422.27, 450.22, ~~or 450.58, or the clerk from~~
~~28 33 complying with the requirements of section 633.481.~~ If the
28 34 inventory and report shows assets subject to the jurisdiction
28 35 of this state which exceed the total gross value of the amount
29 1 permitted the small estate under the applicable provision of
29 2 section 635.1, the clerk shall terminate the letters issued
29 3 under section 635.1 without prejudice to the rights of persons
29 4 who delivered property as permitted under section 635.3. The
29 5 executor or administrator shall then be required to petition
29 6 for administration of the estate as provided in chapter 633.
29 7 Sec. 58. Section 668.13, subsection 3, Code 2003, is
29 8 amended to read as follows:
29 9 3. Interest shall be calculated as of the date of judgment
29 10 at a rate equal to the one-year treasury constant maturity
29 11 ~~index~~ published by the federal reserve in the H15 report
29 12 settled immediately prior to the date of the judgment plus two
29 13 percent. The state court administrator shall distribute
29 14 notice monthly of that rate and any changes to that rate to
29 15 all district courts.
29 16 Sec. 59. Section 902.4, Code 2003, is amended to read as
29 17 follows:
29 18 902.4 RECONSIDERATION OF FELON'S SENTENCE.
29 19 For a period of one year from the date when a person
29 20 convicted of a felony, other than a class "A" felony or a
29 21 felony for which a minimum sentence of confinement is imposed,
29 22 begins to serve a sentence of confinement, the court, on its
29 23 own motion or on the recommendation of the director of the
29 24 Iowa department of corrections, may order the person to be
29 25 returned to the court, at which time the court may review its
29 26 previous action and reaffirm it or substitute for it any
29 27 sentence permitted by law. Copies of the order to return the
29 28 person to the court shall be provided to the attorney for the
29 29 state, the defendant's attorney, and the defendant. Upon a
29 30 request of the attorney for the state, the defendant's
29 31 attorney, or the defendant if the defendant has no attorney,
29 32 the court may, but is not required to, conduct a hearing on

29 33 the issue of reconsideration of sentence. The court shall not
29 34 disclose its decision to reconsider or not to reconsider the
29 35 sentence of confinement until the date reconsideration is
30 1 ordered or the date the one-year period expires, whichever
30 2 occurs first. The district court retains jurisdiction for the
30 3 limited purposes of conducting such review and entering an
30 4 appropriate order notwithstanding the timely filing of a
30 5 notice of appeal. The court's final order in the proceeding
30 6 shall be delivered to the defendant personally or by ~~certified~~
30 7 regular mail. The court's decision to take the action or not
30 8 to take the action is not subject to appeal. However, for the
30 9 purposes of appeal, a judgment of conviction of a felony is a
30 10 final judgment when pronounced.

30 11 Sec. 60. Section 903.2, Code 2003, is amended to read as
30 12 follows:

30 13 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

30 14 For a period of thirty days from the date when a person
30 15 convicted of a misdemeanor begins to serve a sentence of
30 16 confinement, the court may order the person to be returned to
30 17 the court, at which time the court may review its previous
30 18 action and reaffirm it or substitute for it any sentence
30 19 permitted by law. The sentencing court retains jurisdiction
30 20 for the limited purposes of conducting such review and
30 21 entering an appropriate order notwithstanding the timely
30 22 filing of a notice of appeal or an application for
30 23 discretionary review. The court's final order in the
30 24 proceeding shall be delivered to the defendant personally or
30 25 by ~~certified~~ regular mail. Such action is discretionary with
30 26 the court and its decision to take the action or not to take
30 27 the action is not subject to appeal. The other provisions of
30 28 this section notwithstanding, for the purposes of appeal a
30 29 judgment of conviction is a final judgment when pronounced.

30 30 Sec. 61. Section 907.4, Code 2003, is amended to read as
30 31 follows:

30 32 907.4 DEFERRED JUDGMENT DOCKET.

30 33 A deferment of judgment under section 907.3 shall be
30 34 ~~reported entered~~ promptly by the clerk of the district court,
30 35 or the clerk's designee, ~~to the state court administrator for~~
31 1 ~~entry in into the deferred judgment docket database of the~~
31 2 ~~state, which shall serve as the deferred judgment docket.~~ The
31 3 docket shall contain a permanent record of the deferred
31 4 judgment including the name and date of birth of the
31 5 defendant, the district court docket number, the nature of the
31 6 offense, and the date of the deferred judgment. Before
31 7 granting deferred judgment in any case, the court shall
31 8 ~~request of the state court administrator a search of the~~
31 9 deferred judgment docket and shall consider any prior record
31 10 of a deferred judgment against the defendant. The permanent
31 11 record provided for in this section is a confidential record
31 12 exempted from public access under section 22.7 and shall be
31 13 available only to justices of the supreme court, judges of the
31 14 court of appeals, district judges, district associate judges,
31 15 judicial magistrates, clerks of the district court, ~~and county~~
31 16 ~~attorneys, and the department of corrections~~ requesting
31 17 information pursuant to this section, or the designee of a
31 18 justice, judge, magistrate, clerk, or county attorney, ~~or~~
31 19 ~~department.~~

31 20 Sec. 62. Sections 602.6303 and 633.15, Code 2003, are
31 21 repealed.

31 22 Sec. 63. Section 602.6201, subsection 12, as enacted by
31 23 this Act, is amended by striking the subsection effective July
31 24 1, 2008.

31 25 Sec. 64. The sections of this Act amending section 46.12;
31 26 section 602.6304, subsections 2 and 3; and sections 602.6403,
31 27 602.7103B, and 633.20B are repealed on July 1, 2006.

31 28 Sec. 65. RETENTION OF JUDGES. The amendments in this Act
31 29 to section 46.16, subsections 2 and 3, apply to elections for
31 30 retaining a judge occurring after the effective date of this
31 31 Act.

31 32 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM STUDY
31 33 COMMITTEE. The legislative council is requested to establish
31 34 an interim study committee to study the judicial district and
31 35 judicial election district redistricting and the allocation of
32 1 judicial branch resources. The committee shall review all
32 2 relevant matters regarding judicial district and judicial
32 3 election district redistricting, and the allocation of
32 4 judicial branch resources deemed relevant by the majority of
32 5 the committee including but not limited to determining whether
32 6 a misallocation of judicial officers exists between judicial
32 7 districts, the nature and history of judicial branch resources
32 8 and a cost analysis of current judicial branch resources, the

32 9 optimum allocation of resources regardless of judicial
32 10 district boundaries, the effect of redistricting on the
32 11 delivery of court services and employee morale, a cost
32 12 benefits analysis of implementing a redistricting plan, and
32 13 the recommendations of the Iowa supreme court committee on
32 14 redistricting. If after reviewing all relevant matters the
32 15 committee determines that redistricting should occur, the
32 16 committee shall adopt a redistricting plan and submit the plan
32 17 for consideration by the general assembly by December 15,
32 18 2003. If the committee determines redistricting should not
32 19 occur, the committee shall submit to the general assembly
32 20 other recommendations for achieving an optimum allocation of
32 21 judicial branch resources by December 15, 2003. The committee
32 22 shall consist of thirty-one members with each organization
32 23 selecting their member or representative as follows:
32 24 1. Three members to be selected by the supreme court.
32 25 2. One member to be selected by the majority leader of the
32 26 senate.
32 27 3. One member to be selected by the minority leader of the
32 28 senate.
32 29 4. One member to be selected by the majority leader of the
32 30 house of representatives.
32 31 5. One member to be selected by the minority leader of the
32 32 house of representatives.
32 33 6. Three members of the Iowa state bar association.
32 34 7. Three members of the Iowa judges association.
32 35 8. Three members of the Iowa trial lawyers association.
33 1 9. Two members of the Iowa clerks of court association.
33 2 10. One member of the Iowa association of magistrate
33 3 judges.
33 4 11. One member of the Iowa defense counsel association.
33 5 12. One member of the Iowa academy of trial lawyers.
33 6 13. One member of the Iowa county attorneys association.
33 7 14. A representative of the judicial district department
33 8 of correctional services to be selected by the eight directors
33 9 of the judicial district department of correctional services.
33 10 15. One member of the Iowa sheriffs' and deputies'
33 11 association.
33 12 16. One member of the recorders affiliate of the Iowa
33 13 state association of counties.
33 14 17. One member of the Iowa court reporters association.
33 15 18. One member to be selected by the Iowa civil liberties
33 16 union.
33 17 19. One member of the supervisors affiliate of the Iowa
33 18 state association of counties.
33 19 20. One member of the juvenile court officers'
33 20 association.
33 21 21. One member to be selected by the American federation
33 22 of state, county, and municipal employees.
33 23 22. One district court administrator to be selected by the
33 24 district court administrators of the state.
33 25 HF 694
33 26 jm/es/25